

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT REEVES,

Petitioner,

v.

CASE NO. 2:14-CV-10977
HONORABLE GEORGE CARAM STEEH

CATHLEEN STODDARD,

Respondent.

_____/

ORDER DENYING PETITIONER'S MOTION FOR ORAL ARGUMENT

This matter is before the Court on the habeas petitioner Robert Reeves' motion for oral argument and an evidentiary hearing concerning his recently filed petition for a writ of habeas corpus challenging his state court criminal convictions. Pursuant to the federal habeas rules, the respondent is required to submit all transcripts and documents relevant to the determination of the habeas petition when the answer is filed. Rule 5, 28 U.S.C. foll. § 2254. The Court may require that the record be expanded to include additional materials relevant to the determination of the petition. Rule 7, 28 U.S.C. foll. § 2254. The Court also has discretion to conduct an evidentiary hearing after the filing of the answer and the state court record. Rule 8, 28 U.S.C. foll. § 2254.

In this case, the respondent has yet to file an answer to the petition or the state court record. Those materials are due on September 11, 2014. Consequently, the petitioner's request for oral argument and an evidentiary hearing is premature. Additionally, the United States Supreme Court has made clear that federal habeas review under 28 U.S.C. §2254(d) is "limited to the record that was before the state court that adjudicated the claim

on the merits.” Cullen v. Pinholster, __ U.S. __, 131 S. Ct. 1388, 1398 (2011). Accordingly, the Court **DENIES** the motion for oral argument. The Court will bear in mind the petitioner’s request if, upon further review of the case, the Court determines that oral argument or an evidentiary hearing is necessary. The petitioner need not file any additional motions concerning such matters.

IT IS SO ORDERED.

Dated: April 2, 2014

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 2, 2014, by electronic and/or ordinary mail and also on Robert Reeves #135679, 15360 Artesian, Detroit, MI 48223.

s/Barbara Radke
Deputy Clerk